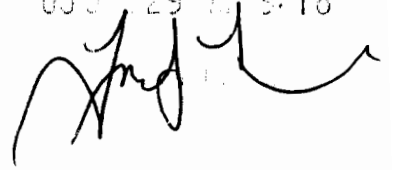


IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF GEORGIA

05 JUL 29 2009 9:18



IN RE GRAND JURY PROCEEDINGS

(Ricardo Kiowa Gonzales)

Case No. 4:02-CR-8-2 -CDL

Comes Now the Defendant, Ricardo Kiowa Gonzales, and moves this court to authorize him to receive a copy of the government's motion to disclose the Grand Jury Material to U.S. Army Captain Joshua M. Toman, of the U.S. Army Judge Advocate General Corps that was filed on December 18, 2002<sup>by</sup> Assistant United States Attorney Sharon T. Ratley.

This order is under seal. The Grand Jury testimony transcripts were provided to military trial defense counsel by the government at the tail end of the court martial proceedings. The actual motion requesting disclosure to the military trial counsel was recently brought to the Defendant's attention when he received a box of the case file from TDS.

The Rule cited as the authority for disclosure, Rule 6(e)(3)(E)(iv), Federal<sup>1</sup> Rules of Criminal Procedure states that :

At the request of the government if it shows that the matter may disclose a violation of military criminal law under the Uniform Code of Military Justice, as long as the disclosure is to an appropriate military official for the purpose of enforcing that law.

On December 18, 2002 court martial charges had already been referred and the Defendant contends that the request was made to try and patch holes in the government's case and not to seek any violations of the law. The Defendant requests to view this motion in order to determine if any misstatements were given to the court by the government and to substantiate his allegation that he

was prosecuted twice by the same sovereign and that the government knowingly sought a dismissal in U.S. District Court with the intent of prosecuting the case in an easier venue. The reason given by the government, that the alleged victim did not wish to testify is called into question. The Defendant alleges that the reason given to the court in the motion to dismiss the indictment was knowingly not accurate.

WHEREFORE, the Defendant moves the Court to authorize him to receive a copy of the motion filed by the government ~~to~~ to disclose the Grand Jury transcripts to the military.

*21<sup>st</sup> day of July*  
Done this ~~2nd day of June~~, 2005.

Respectfully submitted,



Ricardo K. Gonzales  
U.S Disciplinary Barracks  
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